The Facebook, Inc. v. Connectu, LLC et al Doc. 24

G. HOPKINS GUY, III (State Bar No. 124811)
hopguy@orrick.com
I. NEEL CHATTERJEE (State Bar No. 173985)
nchatterjee@orrick.com
MONTE COOPER (State Bar No. 196746)
mcooper@orrick.com
THERESA A. SUTTON (State Bar No. 211857)
tsutton@orrick.com
YVONNE P. GREER (State Bar No. 214072)
ygreer@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, CA 94025
Telephone: 650-614-7400
Facsimile: 650-614-7401

Attorneys for Plaintiffs
THE FACEBOOK, INC. and MARK ZUCKERBERG

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE FACEBOOK, INC. and MARK ZUCKERBERG, Plaintiffs, v. CONNECTU, INC. (formerly known as CONNECTU, LLC), PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA, Defendants.	Case No. 5:07-CV-01389-RS **DECLARATION OF THERESA A. SUTTON IN SUPPORT OF SUPPLEMENTAL RESPONSE TO MOTION TO WITHDRAW AS COUNSEL TO WINSTON WILLIAMS** Date: January 23, 2008 Time: 9:30 a.m. Judge: Honorable Richard Seeborg

Dockets.Justia.com

I, Theresa A. Sutton, declare as follows:

1. I am an associate at the law firm of Orrick, Herrington & Sutcliffe, counsel for Plaintiffs Facebook, Inc. and Mark Zuckerberg in this action, and a member of the Bar of the state of California. I make this declaration in support of Plaintiffs' Supplemental Response to Finnegan's Motion to Withdraw as Counsel for Defendant Winston Williams. I make this declaration of my own personal knowledge and, if called as a witness, I could and would testify competently to the truth of the matters set forth herein.

2. The Finnegan law firm filed its Motion to Withdraw on December 18, 2007, nearly three weeks ago.

3. I am the primary point of contact with opposing counsel with respect to the day-to-day management of this matter. At no point between December 18, 2007 and January 5, 2008, was I or any member of Plaintiffs' counsel's litigation team made aware that Winston Williams was in contact with the Finnegan law firm.

4. On December 24, 2007, two of my colleagues and I had an hour-long telephonic meet and confer conference with Scott Mosko, counsel for Williams. During that call, Mr. Mosko did not indicate that he had resumed contact with Williams. Mr. Mosko also sent me an email on December 24, 2007. In that email, he did not indicate that he and Williams were communicating.

5. On December 26, 2007, I sent a request to Mr. Mosko and Mr. Webster (a colleague of Mr. Mosko's) asking to schedule a meet and confer telephone conference to discuss numerous defendants' (including Williams) responses to certain document requests. On January 2, 2008, Mr. Mosko responded to that email, but did not indicate that he had resumed contact with Williams.

6. On December 31, 2007, I also sent Messrs. Mosko and Webster a letter memorializing the December 24, 2007, telephone conference discussed in Paragraph 4 above. Mr. Mosko responded on January 2, 2008, but did not indicate that Williams was in contact with the Finnegan firm.

7. Attached hereto as **Exhibit A** is a true and correct copy of the declarations served by Winston Williams and Pacific Northwest Software in response to the Court's December 12, 2007, Order compelling further responses to interrogatories. Plaintiffs received these declarations in the U.S. Mail on January 5, 2008.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 7th day of January, 2008, at Menlo Park, California.

/s/ Theresa A. Sutton /s/
Theresa A. Sutton

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 7, 2008.

Dated: January 7, 2008.

Respectfully submitted,

/s/ Theresa A. Sutton /s/

Theresa A. Sutton